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OFFICE OF PETITIONS

In re Application of	:	
Yaron, Caspi, et al.	:	
Application No. 09/852,891	:	DECISION ON PETITION
Filed: May 10, 2001	:	
Attorney Docket No. U 013454-0	:	

This is a decision in response to the petition, filed August 31, 2007 and renewed on October 24, 2007, under the provisions of 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed September 25, 2006, which set a shortened statutory period for reply of two (2) months. Accordingly, a reply was due on or before November 27, 2006, November 25, 2006 was a Saturday. A Notice of Abandonment was mailed on August 20, 2007.

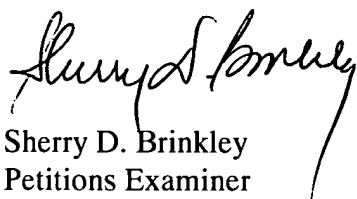
Petitioner states that a reply was in fact timely filed. Petitioner explains that the response was directed to the incorrect application number shown on the returned postcard receipt. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on November 29, 2006 of "AMENDMENT TRANSMITTAL AND RESPONSE TO OFFICE ACTION MAILED September 25, 2006".

A copy of the previously submitted reply accompanied the petition filed August 31, 2007. It is noted that the copy of the amendment transmittal includes a certificate of mailing under 37 CFR 1.8 dated November 27, 2006 and that the wrong application number was cited. Nevertheless, a response that has an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and it was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the correct application.

The papers acknowledged as having been received in the USPTO on November 29, 2006, are not of record in the application file and have not, to date, been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that in view of the Certificate of Mailing under 37 CFR 1.8 dated November 27, 2006, the response was timely received in the USPTO but lost after receipt thereof.

The copy of the reply supplied on August 31, 2007 will be accepted in place of the reply shown to have been received by the USPTO on November 29, 2006.

This application is being referred to Technology Center AU 2624 or appropriate action in the normal course of business on the reply received with petition filed August 31, 2007.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley", with a long, sweeping vertical line extending downwards from the end of the signature.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions